

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 20-cv-954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF’S OPPOSITION TO
THE SECOND MOTION TO
QUASH OF NON-PARTIES
CHRISTOPHER SWECKER AND
CHRISTOPHER SWECKER
ENTERPRISES
(ECF No. 351)**

Subpoena recipients Christopher Swecker and Christopher Swecker Enterprises, LLC (collectively, “Mr. Swecker”) once again present this Court with an unnecessary motion, this time moving to quash a subpoena he has already moved to quash. Mr. Swecker’s motion seeks to quash a subpoena to Wells Fargo for records concerning his use of funds that Plaintiff alleges are the proceeds of crimes. This is the same subpoena Mr. Swecker moved to quash on March 27, 2024, except for a slight revision to the name of the Wells Fargo entity that was subpoenaed. *See* ECF No. 338. Wells Fargo requested this ministerial change to the subpoena, and Plaintiff obliged. If Mr. Swecker had attempted to meet and confer regarding this small non-substantive change to a pending subpoena, Plaintiff would have gladly stipulated that the Court can treat the original subpoena and the revised version as one subpoena in deciding his motion.

Mr. Swecker's new motion to quash simply restates his prior arguments. As Plaintiff previously explained, those arguments must fail. *See* ECF No. 346. Mr. Swecker has no standing to quash the subpoena, *id.* at 4; the subpoena seeks relevant and proportional information into Mr. Swecker's role in the conspiracy against Plaintiff, *id.* at 3-4, 5-6; and the subpoena seeks bank records containing non-privileged financial data. *Id.* at 6-7. The Court has already rejected near-identical motions made by other co-conspirators. *See* ECF No. 248 at 11 (holding that bank records for Shanahan Law Group ("SLG") were "relevant to Plaintiff's remaining claims to the extent that they may reveal the financial trail behind Defendants' alleged misappropriation of Plaintiff's trade secrets and the related conspiracy of such"); *see also id.* at 15 ("The Court has already found that the information sought [in SLG's bank records] is relevant, and SLG's conclusory assertions that the bank records may implicate privilege are insufficient. Further, any costs burden is attributed to [the bank], not SLG.")

Mr. Swecker's second motion to quash is just the latest in a long line of frivolous motions filed by Defendants and their co-conspirators – without meeting and conferring or otherwise making any attempt to resolve issues efficiently – that have driven up litigation costs and wasted judicial resources. This wasteful litigation strategy is particularly ironic because Mr. Swecker is also currently seeking legal fees from Plaintiff for his part in pursuing that strategy. *See* ECF Nos. 317-18 & 327. Mr. Swecker's legal fees are therefore of his own making. For

the reasons set forth in previous filings, Mr. Swecker's motions to quash should be denied and his request for attorney's fees should be rejected by the Court.

This, the 15th day of May, 2024.

Respectfully submitted,

/s/ Ripley Rand

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CERTIFICATE OF WORD COUNT

The undersigned certifies compliance with Local Rule 7.3(d) regarding length limitations. This response contains fewer than 6,250 words. The undersigned has relied on the word count feature of Microsoft Word 365 in making this certification.

/s/ Ripley Rand

Ripley Rand

Counsel for Plaintiff Farhad Azima

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 15th day of May, 2024.

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